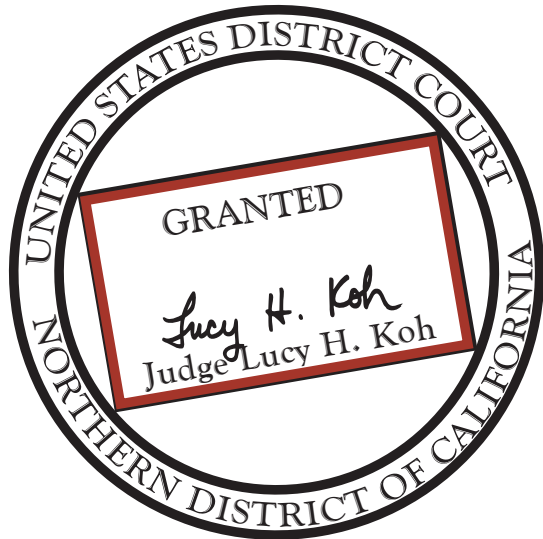


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5 Telephone (408)848-2208  
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7 State Bar No. 99713  
8 E- mail: milton@gcjlawfirm.com  
9 Attorney for Defendant, Ceferino Ortiz



10  
11 IN THE UNITED STATES OF AMERICA  
12  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14

15 THE UNITED STATES OF AMERICA ) CASE No. : CR 07-00524-2-JW  
16 )  
17 ) MOTION TO AMEND  
18 vs. ) PRESENTENCE INVESTIGATION  
19 ) REPORT  
20 )  
21 CEFERINO ORTIZ )  
22 Defendant. )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

29  
30  
31 TO: UNITED STATES OF AMERICA AND ITS ATTORNEY OF RECORD, THE  
32 ASSISTANT UNITED STATES ATTORNEY, AND TO THE CLERK OF THE ABOVE  
33 ENTITLED COURT AND TO ALL INTERESTED PARTIES IN THIS MATTER:

34 Defendant Ceferino Ortiz moves the court for an ORDER allowing an amendment to the  
35 pre-sentence report on this matter. This motion is made in the interest of Justice.

36 ///

1 Facts:

2 The defendant was sentenced including the defendant's drug addiction history or lack  
3 thereof in the PSR report. The defendant, however, had not been candid with this information  
4 for fear that it would cause a harsher sentence. An accurate account of this issue has been  
5 supplied by the defendant in the form of a declaration signed by him 5-6-2013. See Exhibit "B"  
6 Declaration of Ceferino Ortiz dated 5-6-13.

7  
8 U.S. Probation Officer Mr. Brian D. Casai has read and considered Mr. Ceferino's declaration.  
9 Mr. Ceferino Ortiz states in his declaration that he did have a drug and alcohol problem before  
10 his arrest in this criminal case pending before the Court.

11 Mr. Casai has indicated that he does support a motion to amend the pre-sentence report to  
12 include the defendant's drug addiction problem so long as AUSA Tom O Connell had no  
13 objection. See Exhibit "A" e-mail from Brian Casai dated 7-10-13.

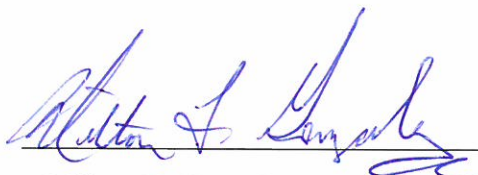
14  
15 AUSA Tom O Connell has no objection to the amendment of Pre-Sentence Report in this matter.  
16 See Exhibit "C" e-mail from Tom O Connell dated 7-10-13.

17  
18 Conclusion:

19 Defendant Ceferino Ortiz does have a drug problem that must be addressed and included  
20 in an amended pre-sentence report so that the defendant in the interest of justice may be able to  
21 participate and benefit from a drug treatment program.

22 Respectfully Submitted,

23  
24  
25 Dated: 7.24.13

26 

27 Milton F. Gonzalez

28 Attorney for Defendant Ceferino Ortiz

DECLARATION

1. I Milton F. Gonzalez represent the defendant Ceferino Ortiz in this Ex Parte Motion.

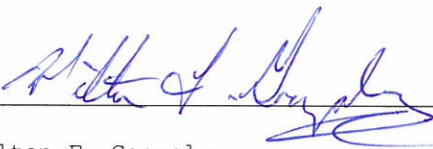
2. The defendant Ceferino Ortiz had not been candid in the initial probation interview to the probation department regarding his drug and alcohol addiction prior to his arrest for fear of receiving a harsher sentence.

3. Brian Casai, the Probation Officer in this matter, has no objection to modifying the pre-sentence report based on Ceferino Ortiz' declaration dated 5-6-13. See Exhibit "A" e-mail from Brian Casai dated July 10, 2013. See also Exhibit "B" Ceferino Ortiz's declaration dated 5-6-13.

3. U.S. Attorney Tom O Connell Office has no objection to allow the modification of the Pre-sentence report in this matter. See Exhibit "C" e-mail from U.S. Attorney Tom O Connell dated July 10, 2013.

I declare under Penalty of Perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 7.24.13



Milton F. Gonzalez

Attorney for Defendant Ceferino Ortiz

EXHIBIT "A"

From: Brian\_Casai@canp.uscourts.gov  
Subject: Re: Ceferino Ortiz  
Date: July 10, 2013 5:07:27 PM PDT  
To: MILTON GONZALEZ <milton@gcjlawfirm.com>

---

1 Attachment, 5 KB

I think the stip is fine. You may want to attach Ortiz's declaration, which expanded upon the original info he provided to me regarding substance abuse.

Thanks,

Brian D. Casai  
U.S. Probation Officer  
1301 Clay Street, Suite 220-S  
Oakland, CA 94612  
Phone: (510) 637-3595  
Fax: (415) 581-7416

EXHIBIT "B"

CEFERINO ORTIZ Jr.  
Reg. # 10738-111  
FEDERAL CORRECTIONAL INSTITUTION  
SATELLITE PRISON CAMP MENDOTA  
P.O. Box 9  
Mendota, CA 93640

To: Milton Gonzales, ESQ  
449 Leavesly Road Suite G  
Gilroy, CA 95020

Re: Declaration of Drug Dependence

Dear Mr. Gonzales;

CEFERINO ORTIZ Jr. being duly sworn, deposes and say that:

1. I am CEFERINO ORTIZ Jr. of sound body and mind.
2. This sworn statement is submitted in support of clarification and/or any declaration on my behalf concerning my use if narcotics and/or illegal drug-use in the months prior to my incarceration.
3. I, CEFERINO ORTIZ Jr. was arrested on August 15, 2007. I am charged with Conspiracy to Possess and Distribute Methamphetamine, which was later reduced to possession of Methamphetamine. I am serving a 121 month sentence in Federal Satellite Prison Camp Mendota.
4. I, CEFERINO ORTIZ Jr., was arrested by ATF and Local Law Enforcement Authority
5. I, CEFERINO ORTIZ Jr., was questioned by Federal Pre-Trial Services Officers concerning any illegal drug use committed by me.
6. Upon belief of an increased severity in punishment for my crimes, I, CEFERINO ORTIZ Jr., refrained from fully divulging my history of drug abuse to the Federal Pre-Trial Services Officer.
7. Upon information and belief of the severe need of intensive drug treatment, I, CEFERINO ORTIZ Jr., clarify my drug abuse by stating that: I, CEFERINO ORTIZ Jr., drank Tequila shots daily along with the consumption of multiple beers.
8. I, CEFERINO ORTIZ Jr., ingested Cocaine several times a week, meaning every alternate day of the week, to the sum of 1.7 grams to 3 grams as long as I could get it the day of desired use.
9. I, CEFERINO ORTIZ Jr., substituted the use of Cocaine with Methamphetamine on the weekends of each week.
10. I, CEFERINO ORTIZ Jr., ingested Marijuana to the sum of at least a quarter of an ounce to a half of an ounce daily, while being authorized to possess

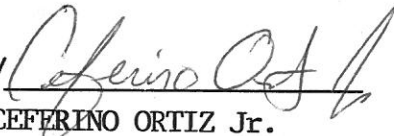
Sworn Statement  
Ceferino Ortiz Jr.  
May 6, 2013  
(continued)

..., any amount up to (8) ounces by a state-issued cannabis card.

Wherefore, I respectfully request the Pre-Trial Services Officer(s) to document, clarify, correct any statements of my drug history prior to my federal incarceration contrary to the sworn statement of drug use herein.

Dated: Mendota, CA  
May 6, 2013


I declare under penalty of perjury that the foregoing is true and correct.  
Executed on May 6, 2013.

S/   
CEFERINO ORTIZ Jr.

Register No. # 10738-111



EXHIBIT "C"

From: "OConnell, Thomas (USACAN)" <Thomas.M.OConnell@usdoj.gov>   
Subject: RE: Ceferino Ortiz  
Date: July 10, 2013 4:23:33 PM PDT  
To: MILTON GONZALEZ <milton@gcjlawfirm.com>

1 Attachment, 5 KB

Milton – did not get fax. But you can just do a stip and say the Government does not oppose the added condition of drug counseling, or resend.

Tom

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2 ATTORNEY AT LAW  
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15 THE UNITED STATES OF AMERICA ) CASE No. : CR 07-00524-2-JW  
16 ) ORDER INRE MOTION TO  
17 ) AMEND PRESENTENCE  
18 vs. ) INVESTIGATION REPORT  
19 )  
20 CEFERINO ORTIZ )  
21 Defendant. )  
22 )  
23 )

24 **ORDER**

25 In the Interest of Justice and based on the stipulation of all parties concerned and the  
26 declaration of the defendant it is hereby ordered that the U.S. Probation Department may amend  
27 the Pre-sentence Report in the above-entitled matter to include the defendants drug and alcohol  
28 abuse as stated in his declaration prior to the arrest of the defendant in this matter.

DATED: \_\_\_\_\_

JUDGE OF THE UNITED STATES DISTRICT COURT